

preliminary hearings when dealing with specific jurisdictional issues regarding whether the claimant suffered an accidental injury, whether the injury arose out of and in the course of employment, whether notice is given or claim timely made, or whether certain defenses apply.

K.S.A. 1999 Supp. 44-534a further grants the administrative law judge the jurisdiction to decide issues involving the furnishing of medical treatment and the payment of temporary total disability compensation at preliminary hearing.

Claimant argues that the Administrative Law Judge exceeded his jurisdiction by beginning temporary total disability compensation on the wrong date. Jurisdiction, however, entitles the Administrative Law Judge to decide an issue incorrectly as well as correctly. The Appeals Board finds it does not have jurisdiction to consider this issue and claimant's appeal should be dismissed.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the appeal of claimant in the above matter should be, and is hereby, dismissed, and the Order of Administrative Law Judge Steven J. Howard dated September 21, 2000, remains in full force and effect.

IT IS SO ORDERED.

Dated this ____ day of November 2000.

BOARD MEMBER

c: James M. Roswold, Kansas City, MO
James K. Blickhan, Overland Park, KS
Steven J. Howard, Administrative Law Judge
Philip S. Harness, Director